IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

WP(C).No. 5608 of 2007(P)

PETITIONER:

M.C.RAJAN PILLAI, S/O. CHELLAPPAN
PILLAI, MELEKOMATTU HOUSE, NEAR COLLECTORATE,
PATHANAMTHITTA.
L.D.CLERK, RETD., LOCAL ADMINISTRATION DEPARTMENT.

BY ADV. SRI.SIBY MATHEW
SRI.PHILIP J.VETTICKATTU

RESPONDENTS:

---

1. THE EXECUTIVE ENGINEER,
PIP DIVISION, CHENGANNOOR.

2. THE ASSISTANT EXECUTIVE ENGINEER,
PIP SUB DIVISION, KOZHENCHERRY.

3. THE ACCOUNTANT GENERAL (AUDIT)
KERALA, BRANCH OFFICE, THRISSUR.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC,J.

W.P (C) No. 5608 of 2007

Dated this the 13th day of August, 2007

J U D G M E N T

Petitioner joined as Lower Division Clerk in the Revenue Department of Cochin Corporation under the Municipal Commons Service Rules in pursuance to Ext.P1 order dated 16.8.1982. Thereafter, he resigned from the Municipal Service and got appointed as Lower Division Clerk in the Irrigation Department. It is stated that taking into account his previous service in the Municipal Common Service he was granted increments, higher grades etc. He has also retired on 31.5.2007. He apprehended that his previous service will not be counted for pension and DCRG, based on an objection raised by the Accountant General. It is in that background, this writ petition has been filed praying for directing respondents 1 to 3 to count the petitioner's service in the Kerala Municipal Services prior to his entry into Government Service. In support of such relief, the petitioner is relying on Ext.P7 Government Order dated 2-2-2001.

2. Learned Government Pleader on instruction submit that the benefit of Ext.P7 will be extended to the petitioner and

the previous service rendered by him will be reckoned for the purpose of quantifying his pension and DCRG. This stand of the respondents redresses the grievance of the petitioner. In view of this, recording the submission of the Government Pleader this writ petition is closed directing that the pension and DCRG shall be recomputed, if it is not already done, within a period of two months from the date of receipt of a copy of this judgment. Petitioner shall produce certified copy of this judgment before the respondents, for compliance.

(ANTONY DOMINIC,JUDGE)

ma

/True copy/

P.A to Judge

K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007